

Decisions and Views of the Committee on the Rights of the Child

Types of Families and Children's Rights

The case of:
A.B. vs Finland



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The original version of this work has been prepared by Bridget Nazziwa, Chipu Mukoki, Laura Marchetti and Sayeh Mohammadi as part of their studies in the Master of Laws: Advanced Studies in International Children's Rights of Leiden University, Academic Year 2022/2023. The published version concerns an edited version published by the Leiden Children's Rights Observatory.





You can hear this page by clicking on this icon.

A.B. VS FINLAND

A.B. is a child who was born in Russia in 2010 and lived there until 2015. His parents are lesbians and the whole family had to hide this because in Russia being **homosexual*** is

not seen as good, and couples with different **sexual orientations** are often threatened and **discriminated**.

Because A.B. had two moms, he was mistreated by adults and other children in his kindergarten. The family was afraid, so they moved to Finland where they asked the government for **asylum**, which means letting them live in Finland. The government said no, and the family had to return to Russia.

You can find the Russian  version of this document [here](#), and the Finnish  version [here](#).

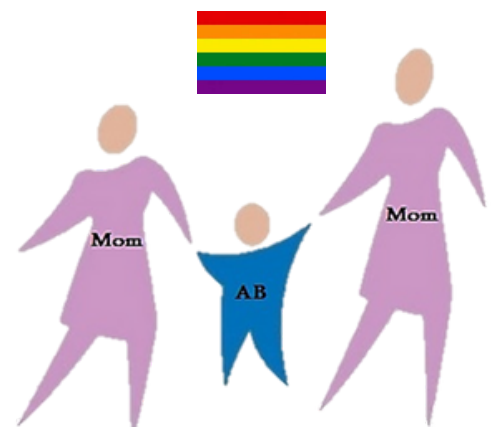
With the help of a lawyer A.B. **complained** to the **Committee on the Rights of the Child** in 2018. He said that Finland didn't think about **what is best for him in their decision** and that nobody heard his opinion about living in Finland. In the end, the Committee decided that A.B. was right and Finland **violated**:

1. A.B.'s best interests.
2. A.B.'s right to be protected from violence.
3. A.B.'s right to get help and protection as a child who moved from their home country to another country looking for asylum.

This is called: the **best interests of the child**.



The Committee asked Finland to fix this situation and give A.B. **compensation**, which is something (usually a payment) that the government should give to or do for A.B. for making up what he experienced. The Committee also asked Finland to make sure this situation doesn't happen to other children in the country.





WHAT HAPPENED TO A.B.?

What happened in Russia?



A.B.'s moms had to hide their relationship because they were lesbians and they were afraid of punishment by the government, and mistreatment by people. In kindergarten, A.B. told others about his family, and everyone became aggressive and caused A.B. to cry most of the time. Other children annoyed him saying that his family is abnormal. A.B. became anxious and very unhappy. When he was 5 years old, his family moved to Finland.



What happened in Finland?



The family asked the government for asylum to let them live in Finland. A.B. was happy there. In preschool, he learned that there are different types of families, and he is not the only child in the world who is living with two moms. When the government was deciding, they didn't ask A. B. what happened and what he thinks about going back to Russia. Finally, the government said that A.B. and his family are not in danger in Russia, and they should go back.

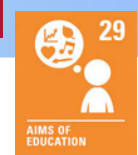
What did A.B. say to the Committee? Why was he unhappy about Finland's decision?



A.B. thinks Finland violated his rights in articles 3 and 22 of the Convention on the Rights of the Child (CRC). This means Finland didn't think about what was the best for A.B. when deciding if he and his family could stay as refugees.



A.B. says Finland didn't think that if he goes back to Russia, others will treat him badly and differently because his mothers are in a relationship, and he will have to hide this. They also didn't think that in Russia, he can't get information about different kinds of families and sexual orientations. So, he thinks Finland violated his rights in articles 2, 13, 14, 16, 17, 19, and 29 of the CRC.





What did the Committee decide on the complaint?

This step is called:
Admissibility.



Before considering any complaint, the Committee must decide if the complaint follows the rules to be acceptable or admissible. In A.B.'s case, the Committee said that:

- ✓ One rule is that no other international authority is deciding on the complaint. In this case, although A.B.'s parents complained to the **European Court of Human Rights**, this was related to the rights of the mothers, not A.B.'s, so the Committee considered that A.B.'s complaint was acceptable.
- ✗ About the rights of non-discrimination, free sharing of thoughts, freedom of thought and religion, protection of privacy, access to information and aims of education, the Committee considered that they had not been explained and proved enough, so it didn't accept to decide about those rights.
- ✓ About the right to protection from violence, A.B. explained the risks of living in Russia, so the Committee accepted it.
- ✓ About the claim that Finland didn't think about A.B.'s best interest in its decision on their asylum request, A.B. explained and proved it well and the Committee accepted it.

This step is called:
Merits, which are the issues of the case.



After accepting the complaint, the Committee check if the rights were violated. In A.B.'s case, the Committee found that Finland had violated the following Articles of the CRC:



Finland should have thought carefully about what is best for A.B. and where he is happier and safer.



Finland should have thought that A.B. would experience violence in Russia.



A.B. wanted to be a refugee because he wasn't safe in Russia, and Finland should have helped and protected him.

Governments should not send people back to a country that is not safe and they will experience violence.
This is called: Non-refoulment



What did the Committee tell Finland to do to fix the situation?

The Committee ordered Finland to take two actions, one about A.B. and the other about the other children in the country.



About A.B.: Since A.B. and his moms had already returned to Russia (where they again started to have a hard life), the Committee ordered a **remedy**, which is an action that Finland should do to fix what it had done wrong. The remedy is that Finland is obligated to give compensation to A.B., including giving him money for what he experienced.



About the other children in the country: The Committee told Finland to make sure this doesn't happen to other children in similar situations. Finland also needs to think about what is best for children when making decisions about asylum and to make sure children get a chance to share their thoughts with the authorities.

The Committee also asked Finland to report to them in 180 days with information to show if they gave the remedies. Finally, the Committee said Finland should publish and distribute the case in Finnish.



Annex 1:

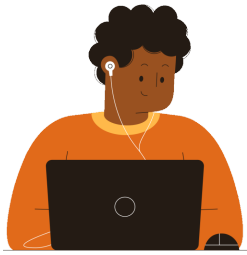
Glossary of key terms



- **Admissibility:** The Committee has some rules to accept a request, and when they receive a case, they first check if all the rules have been followed.
- **Asylum:** When people are not safe in their countries, they can go to another country and ask for protection and permission to live there.
- **Best interests of the child:** When adults are making decisions that affect children, they must consider what is best for the child.
- **Committee on the Rights of the Child:** The group of experts that monitor how countries protect and progress children's rights. They write documents that help to explain how children's rights can be respected, and make decisions about complaints.
- **Compensation:** When people do something wrong against others, they must do something, usually give money, to make up.
- **Complaints:** When you tell a court or other authorities that something or somebody harmed you or is annoying you, and you want it to stop.
- **Convention on the Rights of the Child:** The legal document that outlines all the rights children have.
- **Discrimination:** Treat someone badly and differently because of their opinion or their way of being.
- **European Court of Human Rights:** This is a court in Europe that study complaints about violation of Human Rights.
- **Homosexual:** Loving and being in a relationship with someone of the same sex.
- **Human Rights:** The rights that all people have to live free, safe, and with respect.
- **Remedy:** When courts or other authorities respond to a complaint and try to fix the problem.
- **Sexual orientation:** This means who someone is sexually attracted to and prefers.
- **Violation:** When a government or others don't respect your rights.



Annex 2: Useful links



- [The original case file](#)
- [Committee Information for children](#)
- [The Convention on the Rights of the Child in child friendly language](#)
- [Child Rights Connect Organisation](#)

Annex 3: Information to contact the Committee



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This child-friendly version was developed using the model outlined in Child Rights Connect's template, "[How to Draft a Child-Friendly Version of an OPIC Case.](#)"

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